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CENTRAL FAX CENTER**TO:**  
**Mail Stop Amendment****FROM:**  
Kenneth F. Smolik**COMPANY:**  
U.S. Patent and Trademark Office**DATE:**  
01-05-2006**JAN 05 2006****FAX NO.:**  
571-273-8300**TOTAL NO. OF PAGES:** (Including cover sheet)  
11**US Patent Application Serial No.**  
10/021,612**OUR REFERENCE (C/M) NO.:**  
004910.00018**RE: USSN 10/021,612 filed 12-12-2001**  
Entitled: Data Packet Scheduler  
Group Art Unit: 2663  
Confirmation No. 5778*If you do not receive all page(s) or have any problems receiving this transmission, please call***NAME:**  
Alma Bahena**PHONE:**  
(312) 463-5585**COMMENTS:****AMENDMENT**

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/021,612	<b>RECEIVED CENTRAL FAX CENTER JAN 05 2006</b>
	Filing Date	12/12/2001	
	First Named Inventor	Magill, et al.	
	Art Unit	2663	
	Examiner Name	Jung, Min	
Total Number of Pages in This Submission	11	Attorney Docket Number	004910.00018

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover sheet
<b>Remarks</b> The Commissioner is hereby authorized to charge any fees necessary or credit any overpayment of fees to our deposit account number 19-0733.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Banner & Witcoff, LTD.		
Signature	<i>Kenneth F. Smolik</i>		
Printed Name	Kenneth F. Smolik		
Date	January 5, 2006	Reg. No.	44,344

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature	<i>Nancy Muniz</i>		
Typed or printed name	Nancy Muniz	Date	January 5, 2006

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Attorney Docket No. 004910.00018)

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**CENTRAL FAX CENTER**  
**JAN 05 2006**

In re U.S. Patent Application of Magill, et.	)	
al.	)	
	)	
Application No. 10/021,612	)	Examiner: Jung, Min
	)	
Filed: December 12, 2001	)	Group Art Unit: 2663
	)	
For: DATA PACKET SCHEDULER	)	Confirmation No. 5778
	)	
	)	
	)	

**AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the non-final Office Action mailed October 5, 2005. The Examiner set a three-month period for response, thus making this response due on or before January 5, 2006. It is believed there is no fee due in connection with this filing. If a fee is due, the Office is authorized to charge such a fee to Deposit Account No. 19-0733.

Please amend this application as follows:

Amendments to the Claims are reflected in the Listing of Claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.